

00- 0-1460

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND AND AMEND THE CONTRACT WITH THE TRUST FOR PUBLIC LAND FOR THE PURPOSE OF NEGOTIATING THE ACQUISITION OF CERTAIN PROPERTIES OR INTERESTS IN LAND FOR THE CHATTAHOOCHEE RIVER PARK, WAIVING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Chattahoochee River Park is identified in the 2001 Comprehensive Development Plan as adopted by the City Council and approved by the Mayor in July, 2000; and

WHEREAS, the City wishes to complete acquisition of titles and easements to certain properties, as identified in Exhibit A, along the Chattahoochee River for the purpose of developing a linear park adjacent to the river; and

WHEREAS, the City wishes to extend its existing contract, dated October 9, 1997, with the Trust for Public Land to negotiate said property acquisitions; and

WHEREAS, the Trust for Public Land wishes to amend certain terms of the Services Agreement as described in Exhibit D; and

WHEREAS, the Trust for Public Land is a non-profit, 501-(c)(3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, providing tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties; and

WHEREAS, the Bureau of Purchasing and Real Estate has certified the Trust for Public Land as a sole source to negotiate the acquisition of said properties along the Chattahoochee River on behalf of the City, as evidenced in Exhibit B; and

WHEREAS, the City has allocated park impact fee revenues in the amount of \$223,723 for the acquisition of properties along the Chattahoochee River according to Ordinance 96-O-0853, adopted by the City Council and approved by the Mayor in June, 1996; and

WHEREAS, the City was awarded a grant from the Georgia Department of Natural Resources in the amount of \$25,000 for the acquisition of properties along the Chattahoochee River according to Ordinance 96-O-0853, adopted by the City Council and approved by the Mayor in June, 1996; and

WHEREAS, said funds in the amount of \$248,723 were to be used for the acquisition of properties along the Chattahoochee River; and

WHEREAS, a total of \$173,983.65 has been used to date to acquire properties along the Chattahoochee River; and

WHEREAS, \$74,739.35 remains in the account established to acquire properties along the Chattahoochee River to be expended as described in Exhibit C; and

WHEREAS, the Trust for Public Land has successfully acquired control of a majority of the properties shown in Exhibit A to date; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: The Mayor is hereby authorized to extend and amend the contract with the Trust for Public Land (TPL) for a term of three years in an amount not to exceed \$74,739.35 for the purpose of negotiating the acquisition of certain properties within the Chattahoochee River Park corridor.

SECTION 2: Said contract shall authorize TPL, upon notice from the Commissioner of the Department of Planning, Development, and Neighborhood Conservation, to undertake the steps necessary to accomplish the acquisition of said properties, including but not limited to the steps set forth in Section 2-1541(b)(1)-(4) and (c) and Section 2-1545(b)(1)-(4) and (c) of the Code of Ordinances.

SECTION 3: The purchase by the City from TPL of any such properties shall be accomplished in accordance with the procedure set forth in Section 2-1541 (d) and Section 2-1545 (d) of the Code of Ordinances.

SECTION 4: Any provisions of Sections 2-1541 and 2-1545 of the Code of Ordinances in conflict with this ordinance are waived for the purpose of this ordinance only.

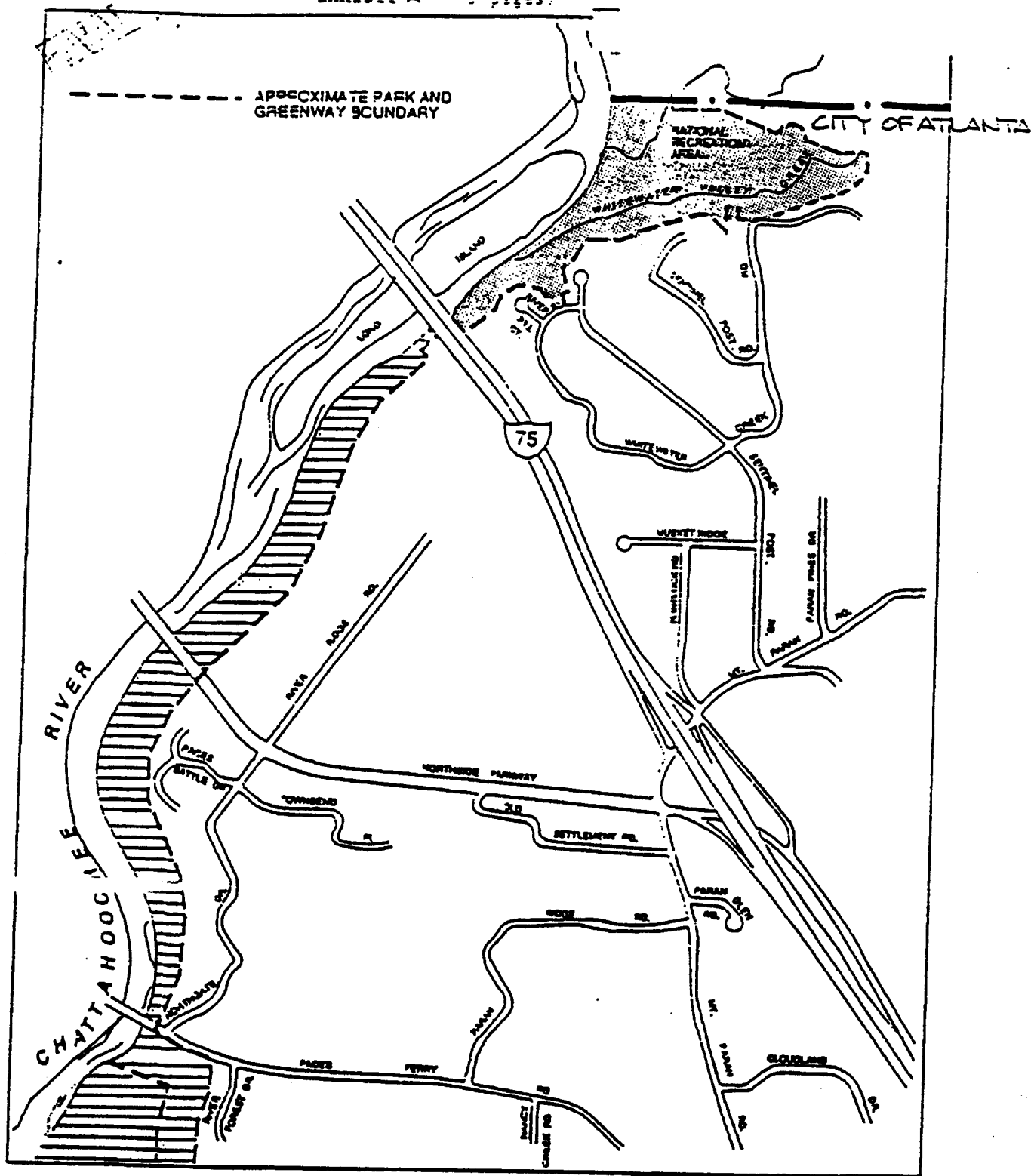
SECTION 5: Said contract shall provide that TPL shall not receive any brokerage or real estate fees for any of these transactions.

SECTION 6: The City Attorney is hereby directed to extend and amend the contractual agreement for execution by the Mayor, to be approved by the City Attorney as to form.

SECTION 7: This contractual agreement shall not become binding on the City and the City shall incur no liability upon same until such contract has been executed by the Mayor and delivered to the contracting party.

SECTION 8: All services for said contracted work shall be charged to and paid from fund, account, and center number: 1C28-774001-N12D11H49991 (\$74,739.35).

SECTION 9: All ordinances or parts of ordinances in conflict with this ordinance are repealed.



 PRIVATE
 PUBLIC

MATCHLINE SECTION 2

SECTION 1

LOCATION MAP

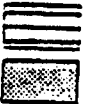
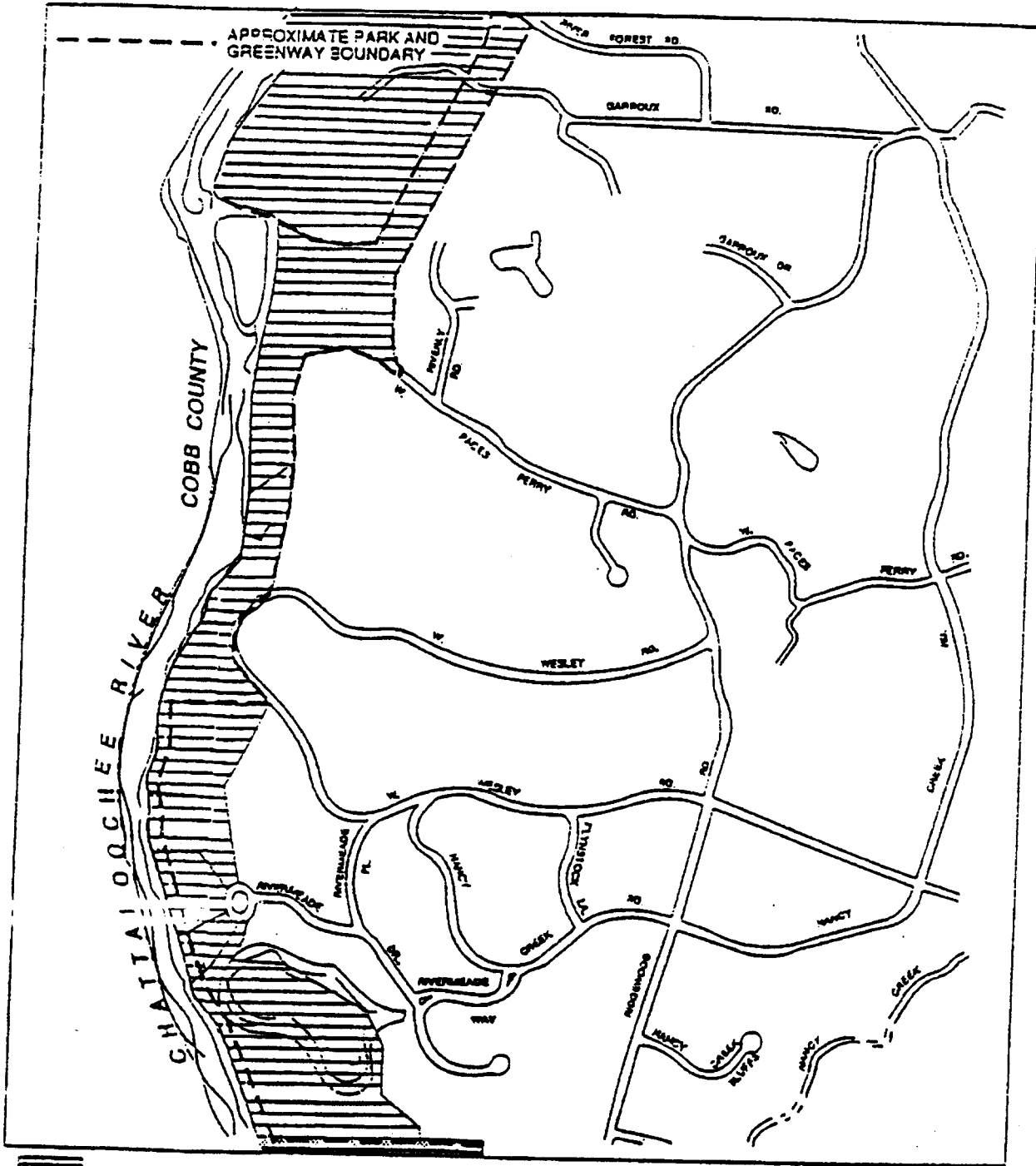
Chattahoochee River

Corridor Park Location Analysis

City of Atlanta • Department of Planning and Development • Bureau of Planning



MATCHLINE SECTION 1



PRIVATE

PUBLIC

MATCHLINE SECTION 3

SECTION 2

LAND OWNERSHIP

Chattahoochee River

Corridor Park Location Analysis

City of Atlanta • Department of Planning and Development • Bureau of Planning

[illegible]

PRIVATE
PUBLIC



LAND OWNERSHIP

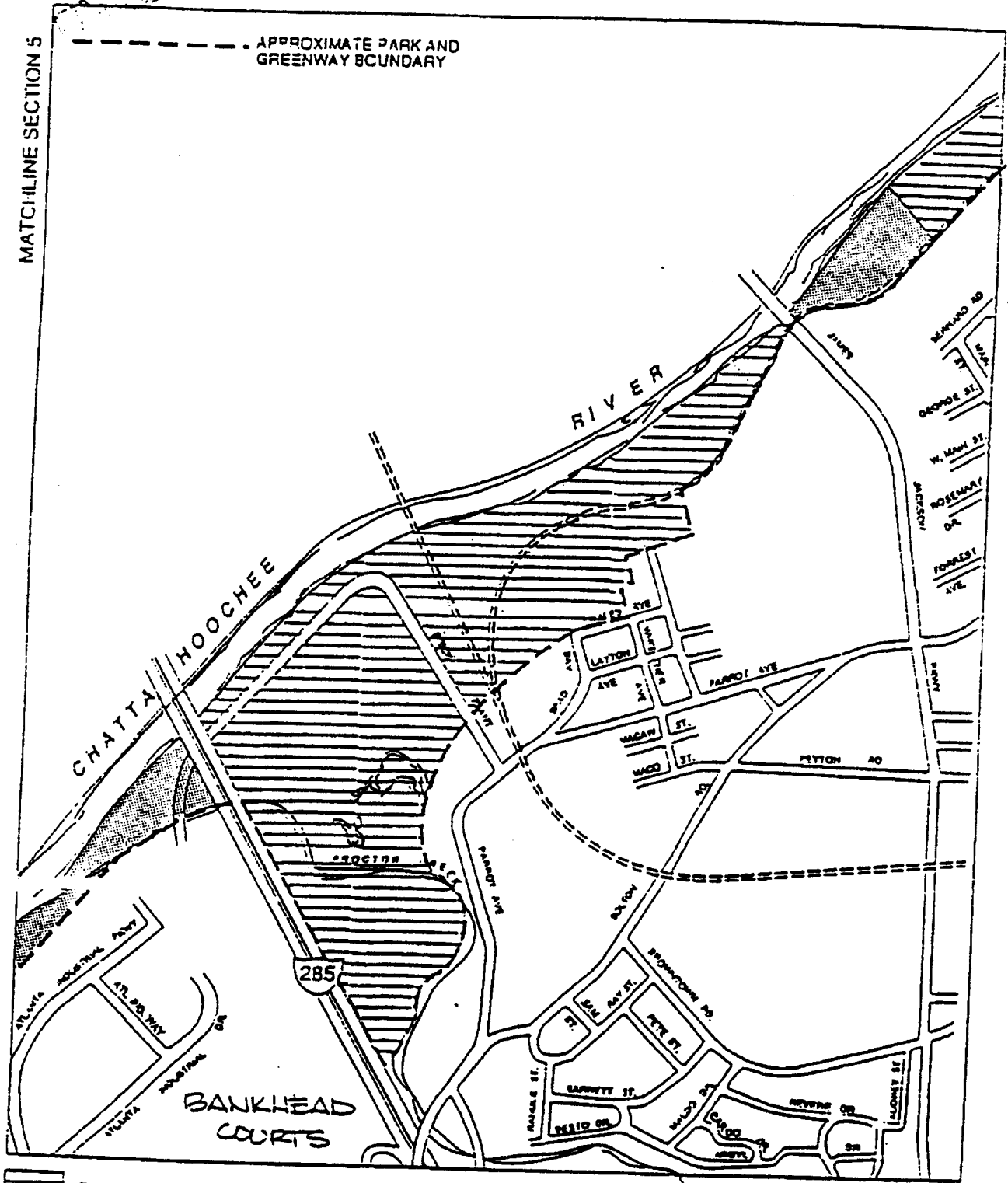
Chattahoochee River Corridor Park Location Analysis

City of Atlanta • Department of Planning and Development • Bureau of Planning

MATCHLINE SECTION 5

MATCHLINE SECTION 3

APPROXIMATE PARK AND
GREENWAY BOUNDARY



PRIVATE
PUBLIC



SECTION 4

LAND OWNERSHIP
Chattahoochee River
Corridor Park Location Analysis

City of Atlanta • Department of Planning and Development • Bureau of Planning

FINAL



EXHIBIT B

CITY OF ATLANTA

BILL CAMPBELL
MAYOR

55 TRINITY AVENUE, SW, SUITE 1790
ATLANTA, GEORGIA 30335-0307
(404) 330-5204
FAX (404) 658-7705

DEPARTMENT OF
ADMINISTRATIVE SERVICES

HERBERT L. MCCALL
Commissioner

BUREAU OF PURCHASING
& REAL ESTATE

FELICIA STRONG - WHITAKER
Director

June 12, 1997

MEMORANDUM

TO: Michael Dobbins, Commissioner
Department of Planning and Neighborhood Conservation

FROM: Felicia Strong-Whitaker *FSW*

RE: Request for Sole Source Designation of Trust for Public Land

I am in receipt of your request for sole source designation to Trust for Public Land to negotiate conservation easements, property donations, and property acquisitions within the Chattahoochee River Corridor on behalf of the City of Atlanta.

The Trust for Public Land is a national, nonprofit organization which works in partnership with government, business and community groups to acquire and fund public lands. Trust for Public Land is unique in the role they play in public property acquisition programs and possess the unique skills to provide the necessary services.

After a good faith review of available resources, I have determined that your request meets the provision of 2-1191, Sole Source Procurement and that the Trust for Public Land provides a set of specialized services that are not available through other organizations.

Please contact Ronald Roquemore, Contracting Officer, at 330-6919.

C: Herbert L. McCall, Commissioner, DAS
Ronald Roquemore, Contracting Officer, BPPE

EXHIBIT "C"
CHATTAHOOCHEE RIVER PARK
CONSERVATION SERVICES BUDGET ESTIMATES

Professional Services-Legal and Negotiating	\$38,117.07
Appraisals	\$4,484.36
Title Work and Insurance	\$4,484.36
Surveys and Legal Descriptions	\$11,958.30
Environmental Audits	\$11,210.90
Closing Costs	\$4,484.36
<hr/>	
TOTAL	\$74,739.35

EXHIBIT "D"

CONTRACT AND AMENDMENTS

(Insert Contract and Amendments here)

[9/13/00]

FIRST AMENDMENT TO CONSERVATION SERVICES AGREEMENT

This First Amendment to Conservation Services Agreement ("Amendment") dated as of _____, 2000 between the CITY OF ATLANTA, GEORGIA, a municipal corporation organized under the laws of the state of Georgia (the "City"), and THE TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation d/b/a The Trust for Public Land (Inc.) ("TPL").

RECITALS

A. The City and TPL entered into a Conservation Services Agreement, dated October 9, 1997, in which the City requested TPL to provide the City with consulting services to assist the City to obtain properties for and assist in the planning of a 12-mile linear river park along the Chattahoochee River on the terms and conditions set forth in said Conservation Services Agreement (the "Services Agreement").

B. The City and TPL wish to amend certain terms of the Services Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and TPL agree as follows:

1. **Term and Termination.** Section V of the Services Agreement is amended to provide that the term of the Services Agreement shall be extended for three (3) years, to expire on October 8, 2003.
2. **Compensation.** Section VII of the Services Agreement is amended by deleting the first sentence and first three words of the second sentence thereof and replacing it with the following: "As full compensation for TPL's consulting services, described in Section IV, the City agrees to pay TPL at the following hourly rates:

Legal Assistant/Project Associate/Finance Staff	\$ 90 per hour
Project Manager	\$125 per hour
Program Director	\$150 per hour
Director	\$175 per hour
Legal	\$175 per hour

These rates include...."

3. **Capitalized Terms.** Any capitalized terms contained in this Amendment but not defined herein shall have the same meaning as the same capitalized terms in the Services Agreement.
4. **Conflict of Terms.** In the event of any conflict of terms between this Amendment and the Services Agreement, the terms of this Amendment shall govern.
5. **Counterparts.** This Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original, and all of which counterparts together shall constitute but one and the same instrument.

6. **Full Force and Effect.** Except as set forth in this Amendment, the Services Agreement remains unchanged, unmodified and in full force and effect.

IN WITNESS WHEREOF, each of the parties hereto has caused this Amendment to be executed and sealed by its duly authorized signatory(ies) on the date set forth below.

CITY OF ATLANTA

_____(SEAL),
Mayor

ATTEST:

By: _____
Name: _____
Its: Municipal Clerk

APPROVED:

By: _____
Name: _____
Its: Commissioner, Department of Planning
& Development

APPROVED:

By: _____
Name: _____
Its: Director, Bureau of Purchasing & Real
Estate

RECOMMENDED:

By: _____
Name: _____
Its: Chief Operating Officer

APPROVED AS TO FORM:

City Attorney

Chief Financial Officer

THE TRUST FOR PUBLIC LAND,
a nonprofit California public benefit
corporation d/b/a
The Trust for Public Land (Inc.)

By: _____
Name:
Title: Assistant Secretary

By: _____
Randolph N. Wentworth
Vice President

Date: September __, 2000

[CORPORATE SEAL]

Attest:

S:\MP\PROJECTS\CHATTANOOGA\TALANTA\Agreement\MARCH.doc

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon, Mayor's Office
(for review & distribution to Executive Management)

Commissioner Signature <u>[Signature]</u>	Director Signature _____
From: Originating Dept. <u>DPDNC/ BOP</u>	Contact (Name) <u>Janeane Giarrusso</u>
Committee of Purview <u>CD/HR</u>	Committee Deadline <u>9/15/00</u> X6965
Committee Meeting Date <u>9/27 & 10/11, 2000</u>	City Council Meeting Date <u>10/2 & 16, 2000</u>

CAPTION:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND AND AMEND THE CONTRACT WITH THE TRUST FOR PUBLIC LAND FOR THE PURPOSE OF NEGOTIATING THE ACQUISITION OF CERTAIN PROPERTIES OR INTERESTS IN LAND FOR THE CHATTAHOOCHEE RIVER PARK, WAIVING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

--

FINANCIAL IMPACT (if any):

--

OTHER DEPARTMENT(S) IMPACTED: _____

COORDINATED REVIEW WITH: _____

Mayor's Staff Only

Received by Mayor's Office:	Reviewed:	Submitted to Council:
<u>9/14/00</u> (date)	<u>PA</u> (initials)	<u>9/15/00</u> (date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other